UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/189,559	11/11/1998	JOHN J. MCMILLAN	WISO-0101-PU	5614

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EXAMINER
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ART UNIT	PAPER NUMBER
2177	

DATE MAILED: 09/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

	Application No.	Applicant(s)
Office Action Summary	09/189,559	MCMILLAN ET AL.
	Examiner	Art Unit
	Srirama Channavajjala	2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>11 September 2002[CPA]</u> .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-65</u> is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-65</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>11 November 1998</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

     If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All b)☐ Some * c)☐ None of:

         1.☐ Certified copies of the priority documents have been received.

         2.☐ Certified copies of the priority documents have been received in Application No. _____ .

         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

     a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)   4)☐ Interview Summary (PTO-413) Paper No(s). _____ .

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)   5)☐ Notice of Informal Patent Application (PTO-152)

3)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .   6)☐ Other: .

DETAILED ACTION

Response to CPA

1.   The request filed on September 11, 2002 for a Continued Prosecution

Application (CPA) under 37 CFR 1.53(d) based on Application No. 09/189,559 is

acceptable and a CPA has been established, paper no. # 17.

An action on the CPA follows.

2.   Examiner acknowledges Applicant's preliminary Amendment filed on 9/11/2002,

paper no. # 18.

3.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission of "Preliminary

Amendment **REMARKS"** filed on March 4, 2002, has been entered, paper no. # 12.

4.   Examiner acknowledges Applicant's RCE Remarks filed on March 4, 2002,

paper no. # 12.

5.   Examiner acknowledges Applicant's Amendment filed on July 30, 2001,

paper no. # 5

6.   Claims 1-65 are presented for examination, Claims 1,16, 18, and 33 are

independent Claims.

7.   Claims 1, 16, and 18 have been amended, paper no. # 5.

8.   Claims 1-32 have been amended, paper no. # 18.

9.   Claims 33-65 have been added, paper no. # 18.

Drawings

10.   The Drawing filed on 11/11/1998, are <u>approved</u> by the Draftsperson under

37CFR 1.84 or 1.152.

Information Disclosure Statement

11.   Examiner has considered PTO-1449, paper no. # 6, a copy of the PTO- 1449

herewith enclosed with office action paper no. # 7.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

12.   Claims 1, 5-8, 14-18, 22-25, 31-43,45-52, 58-65, are rejected under

35 U.S.C. 103(a) as being unpatentable over Stupek, Jr. et al., [hereafter Stupek],

US Patent No. 5586304 in view of Burns et al., [hereafter Burns], US Patent No.

6018747.

13.   As to Claims 1, 16,18, and 33, Stupek details a system which including 'receiving

change information made to a files and other shared resources during installation of at

least one application' [col 1, line 55-67, col 2, line 1, line 12-17, fig 5B], receiving

change information corresponds to upgrading a resource of a computer from an existing

version of to a later version of the resource as detailed in col 1, line 55-58, further

change information corresponds to DESCRIP.DB of Stupek, description database

stores for example package number, record count version number etc., as detailed in

fig. 5B;'processing the change information to determine which files and shared

resources conflict with one another to obtain conflict information' [col 7, line 1-24],

'storing the conflict information in a database of interrelated tables' [col 7, line 32-37],

examiner interpreting database to be equivalent to Stupek's fig 5C, element 29, also, it

is noted that Stupek specifically teaches various upgrades that are found in a package

that including package number, record count, version number, date of the upgrade as

detailed in col 6, line 52-56, also, Stupek specifically teaches comparison service,

storing the comparison results , see fig 7B, elements 244-250. It is noted, however, Stupek does not specifically detail the claimed limitation 'actual changes' although Stupek teaches for example comparison service in relation with the version upgrade as detailed in fig 5C, col 7, line 15-24. On the other hand, Burns teaches the claimed feature 'actual changes' [col 3, line 42-46, 61-63, col 4, line 48-50, fig 3], examiner interpreting actual changes corresponds to Burns's delta file because, delta files represents changes between versions as detailed in col 3, line 61-63, fig 3, also because, Burns specifically teaches for example detecting conflict between versions, and generating a delta file that represents actual change(s).

Therefore, it would have been obvious one of the ordinary skill in the art at the Time of the invention to incorporate the teachings of Burns into the automatic computer upgrading system of Stupek because they are both directed to updating versions of computer software, more specifically comparing versions [see Stupek fig 5A, fig 9, element 59, col 1, line 18-20, col 2, line 24-31; Burns: Abstract, fig 3] and are both from the same field of endeavor. One of ordinary skill in the art at the time of the invention would have been motivated to combine the references because that would have allowed users of Stupek's computer upgrading system to modify Stupek's upgrade database fig 9, to incorporate delta file which determine and control actual conflict or change(s) or differences between two versions as suggested by Burns [fig 3], bringing the advantage of first detecting conflict between version(s) [see Burns col 5, line 14-

25] second generating a delta file that exclusively represents difference between

version(s) [see fig 3, col 4, line 48-50], thus improving overall software updating

of version(s) reliability and versatility of the system.

14.   As to Claims 5 and 22, Stupek details a system which including 'driver conflict

information' [see fig 4, element 32, col 4, line 21-30]

15.   As to Claims 6 and 23, Stupek details a system which including 'data source

conflict' [see col 5, line 54-67], specifically, job status is an indication whether or not

error free.

16.   As to Claims 7 and 24, Stupek details a system which including 'service conflict'

[see figs 5A-5D, fig 6, element 47a - 47c, col 7, line 49-64].

17.   As to Claims 8 and 25, Stupek details a system which including 'device conflict'

[see fig. 1, element 10, col 3, line 49-63], more specifically, Stupek teaches

automatically analyzing and executing the upgrades and also details upgrade

comparisons see col 4, line 5-12.

18.   As to Claims 14, 17 and 31, Stupek details a system which including 'resolving

includes the step of generating an installer from the information stored in the database'

[col 4, line 5-13, line 38-43].

19.   As to Claims 15 and 32, Stupek details a system which including 'at least one of

the tables has a conflict field for storing' [fig 4, element 34, details status field, fig 8,

element 324 details storing the status results, col. 8, line 55-58].

20.   As to Claims 34-38, 47-52, Burns teaches a system which including 'conflict

severity values comprises an informational value and an error value' [col 4, line 60-67,

col 5, line 1-5], information value corresponds to add commands to the ordered pair,

error values corresponds to the encodes the length of the string that determines the

conflict detection, more specifically the delta file information as detailed in col 4,

line 60-67, col 5, line 1-5.

21.   As to Claims 39-43, both Stupek, Burns teaches versions, more specifically

Stupek teaches automatic installation of package in which database contains the

package script, also database contains the information regarding package and other

upgrade objects or packages such as detailed in fig 5A, version corresponds to fig 5A,

element 25c, date corresponds to element 25d. Burns also teaches comparing various

version(s) of files such as old version and new version [see col 3, line 37-40], further

Burns specifically teaches comparing two versions and extracting delta file that

represents specific conflict detection, in other words delta files to represent the changes

between versions, therefore, Burns teaches two files do not match.

22.   As to Claims 45-46, Stupek teaches a system which including 'ODBC drivers

have the same driver name, attribute exists for one of two ODBC drivers' [see col 9, line

21-33], Stupek specifically teaches Novell program packages that corresponding to

each of the NetWare drivers installed to the servers as detailed in col 9, line 24-254, as

best understood by the examiner, ODBC or open database connectivity drivers is a

program file used to connect to a particular database, further each database program

requires a different driver, it is also noted that Stupek specifically teaches a server

manager that contains server database, element 13, also containing installation

instructions as detailed in fig 2, element 20 that related to server manager.

23.   As to Claims 58-65, Burns teaches a system which including 'determining the

change information' [col 2, line 36-39], interrelated tables corresponds to reference file

and version file information as detailed in fig 3.

24.   Claims 2-4, 19-21,44,55 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Stupek, Jr. et al., [hereafter Stupek], US Patent No. 5586304,

Burns et al., [hereafter Burns], US Patent No. 6018747 as applied to claims 1, 18,33

above, and further in view of Shipley, US Patent No. 5634114.

25.	As to Claims 2 and 19, Stupek and Burns do not specifically teaches 'DLL file conflict', examiner notes that DLL or dynamic link library file(s) are well known in the art for example one of the feature of Microsoft Windows family of operating systems and OS/2 that allows executable routines stored separately as files with DLL extensions and to be loaded only when needed by a program. Shipley details a system which including 'DLL file conflict' [see col 3, line 32-50], examiner interpreting DLL file conflict is to be equivalent to comparing DLL version number in a table and if version matched, "preferred version OK" flag is a kind of check as detailed in col 3, line 42-45.

It would have been obvious one of the ordinary skill in the art at the time of the applicant's invention to incorporate the teachings of Shipley into the automatic computer upgrading system of Stupek, Burns's updating of computer files based on versions because they are directed to updating versions of computer software, more specifically comparing versions [see Stupek fig 5A, fig 9, element 59, col 1, line 18-20, col 2, line 24-31; Burns: Abstract, fig 3], Shipley's comparing version(s) [see Abstract], and are from the same field of endeavor. One of ordinary skill in the art at the time of the invention would have been motivated to have combined the references because that would have allowed users of Stupek, Burns computer software updating system(s) to control which relative comparing the versions of DLL and detecting DLL conflict or errors or flags allows to prevent run-time errors within the application program due to version changes, suggested by Shipley [see col 3, line 52-62], at the same time generating delta file represents specifically only the differences between versions as

suggested by Burns [see col 3, line 62-63, fig 3]maintaining the upgrade information

indicating the changes from the previous versions of Stupek [see col 2, line 28-31],

improving the reliability and versatility of the system.

26.   As to Claims 3-4 and 20-21,44, 55 Stupek details for example resource

upgrades, including packages, and upgrade objects as detailed in fig 1, also details

results directory and status data as detailed in fig 2, elements 73 and 75. Shipley

details setting version flag to preferred version as detailed in fig 2. In general, Registry

is commonly well known in the art as a central hierarchical database in operating

system like Windows 95 used to store information necessary to configure the system for

one or more users, applications and hardware devices. Again Shortcuts or commands

are well known in the art for example "print command is generally known as Ctrl+P;

Copy is Ctrl+C; Paste is Ctrl+V; Cut is Ctrl+X. Therefore, Registry and Registry errors,

Shortcut or commands are inherent aspects of both Stupek and Shipley's invention.

27.   Claims 56-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Stupek, Jr. et al., [hereafter Stupek], US Patent No. 5586304, Burns et al., [hereafter

Burns], US Patent No. 6018747 as applied to claims 1, 18 above, and further in view of

Gross, US Patent No. 6192375

28.   As to Claims 56-57 Both Stupek, Burns et al do not specifically teach 'GUIDs,

although Stupek teaches automatic computer upgrading' [see Abstract], while Burns et

al. directed to generating and reconstructing delta files to represent the changes

between various versions as detailed in Abstract. On the other hand Gross teaches the

limitation GUID [see col 4, line 31-37], further examiner notes that GUID or globally

unique identifier is unique because it contains a time stamp and a code, also these

identifiers are generated by a utility programs.

It would have been obvious to one of the ordinary skill in the art at the time of the

invention to combine the references of Stupek, Burns with Gross because that would

have allowed uses of Stupek, Burns to incorporate the GUID that identifies an interface

to an object(s) across all computers that including networking system bringing the

advantages of initializing various program files that are associated with executable files

from various locations.

29.   Claims 9-13, 26- 30,53-54, are rejected under 35 U.S.C. 103(a) as being

unpatentable over Stupek, Jr. et al., [hereafter Stupek], US Patent No. 5586304, Burns

et al., [hereafter Burns], US Patent No. 6018747 as applied to claims 1, 18 above, and

further in view of Choye et al., [hereafter Choye], US Patent No. 5842024.

30.   As to Claims 9-13, 53-54,Stupek and Burns do not specifically detail 'Microsoft

Windows Installer component conflict, autoexec.bat conflict, config.sys conflict, INI

changes conflict, path conflict', although Stupek does detail for example upgrade

installer as detailed in fig 1, element 17, col 4, line 38-43, a comparison service

elements 47a-47c as detailed in fig 6, col 8, line 27-30. Choye teaches 'Microsoft

Windows Installer component conflict' [col 4, line 55-60, col 5, line 4-19, line 20-

28]'autoexec.bat conflict' [col 5, line 4-19], 'config.sys conflict' [col 5, line 4-19], 'INI

changes conflict' [col 5, line 4-19], examiner notes that In DOS and Windows operating

system, the file extension that identifies an initialization file contains user preferences

and startup information about the application program, therefore, it is inherent aspect of

Choye's teachings because, Choye teaches for example autoexec.bat, config.sys

comparing with the original contents as detailed in col 3, line 25-30, col 5, line 4-28;

'path conflict' [col 3, line 25-30, col 4, line 14-20, col 5, line 20-28].

        It would have been obvious one of the ordinary skill in the art at the time of the

applicant's invention to combine the concepts taught by Choye with the system of

Stupek and Burns because a modular or application approach of installing Microsoft

Windows Installer component, autoexec.bat, config.sys, INI, path allows to compare any

changes and implementing changes through SCRIPT.EXE of Choye in the same block

of Stupek allowing upgrade information in particular version(s) and importance of the

change(s) as suggested by Stupek [see col 2, line 24-31] and updating version files by

way of creating delta files to represent changes between versions [see Burns, fig 3,

col 3, line 61-63], thus improving the reliability and versatility of the system.

31.   The elements of Claims 26-30 are rejected in the analysis above and these

Claims are rejected on that basis.

Response to Remarks

32.   Claims 1, 5-8, 14-18, 22-25, 31-43,45-52, 58-65, are rejected under

35 U.S.C. 103(a) as being unpatentable over Stupek, Jr. et al., [hereafter Stupek],

US Patent No. 5586304 in view of Burns et al., [hereafter Burns], US Patent No.

6018747.

33.   Claims 2-4, 19-21,44,55 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Stupek, Jr. et al., [hereafter Stupek], US Patent No. 5586304,

Burns et al., [hereafter Burns], US Patent No. 6018747 as applied to claims 1, 18,33

above, and further in view of Shipley, US Patent No. 5634114.

34.   Claims 56-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Stupek, Jr. et al., [hereafter Stupek], US Patent No. 5586304, Burns et al., [hereafter

Burns], US Patent No. 6018747 as applied to claims 1, 18 above, and further in view of

Gross, US Patent No. 6192375

       Claims 1-65 have been rejected as detailed above.

Conclusion

The prior art made of record

a.	US Patent No.	5586304
b.	US Patent No.	5842024
c.	US Patent No.	5634114
d.	US Patent No.	6018747
e.	US Patent No.	6192375

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

f.	US Patent No.	6154878
g.	US Patent No.	5956513
h.	US Patent No.	5903897
i.	US Patent No.	5119377
j.	US Patent No.	5347518
k.	US Patent No.	6119246
l.	US Patent No.	5655154
m.	US Patent No.	5991774
n.	US Patent No.	6145056
o.	WO 98/40807	
p.	Kuen et al.,	A difference-based version model for

OODBMS, IEEE 1998

q.	Seemann et al.,	Visualization of differences between

versions of object software, March 1998.

Any inquiry concerning this communication or earlier communications from
the examiner should be directed to Srirama Channavajjala whose telephone
number is (703)308-8538. The examiner can normally be reached on Monday-
Friday from 8:00 AM to 5:30 PM Eastern Time. The TC2100's Customer
Service number is (703) 306-5631.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, John E. Breene, can be reached on (703) 305-9790. The fax phone
numbers for the organization where the application or proceeding is assigned are as
follows:

703/746-7238	**(After Final Communication)**
703/746-7239	**(Offical Communications)**
703/746-7240	**(For Status inquiries, draft communication)**
(703) 308-6606	**(Art Unit)**

Any inquiry of general nature or relating to the status of this application or
proceeding should be directed to the Group receptionist whose telephone number is
(703) 305-9600.

SC
Patent Examiner.
September 19, 2002.